

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DONNA JOHNS and PAMELA JEAN
FRICK, on behalf of themselves and all
others similarly situated,

PLAINTIFFS,

v.

ALLURA USA LLC, PLYCEM USA LLC
D/B/A ALLURA, PLYCEM USA, INC.,
ELEMENTIA USA, INC., ELEMENTIA,
S.A. DE C.V.,

DEFENDANTS.

Case No. 3:18-CV-00669-FDW-DCK

**CONSENT MOTION FOR EXTENSION
OF TIME TO ANSWER OR
OTHERWISE RESPOND TO
DEFENDANTS' MOTIONS TO DISMISS**

Plaintiffs Donna Johns and Pamela Jean Frick, and all similarly situated persons, by and through their undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move for an extension of time within which to respond to Plycem USA LLC, Elementia USA, Inc., and Elementia S.A.B. de C.V. ("Defendants") Motions to Dismiss [Documents No. 36, 38, and 41]. In support of this motion, Plaintiffs show the Court as follows:

1. Plaintiffs filed their complaint on November 15, 2018 in Union County Superior Court.
2. On December 17, 2018, Defendants filed their Motion of Removal under 28 U.S.C. §§ 1332, 1441, 1446 to bring this matter to the United States District Court, Western District of North Carolina.
3. Plaintiffs timely filed the First Amended Complaint on February 1, 2019 (Document No. 27).

4. On February 15, 2019, the Defendants filed Documents No. 36-43, including (Document No. 36) Renewed Motion To Dismiss Defendant Elementia, S.A.B. De C.V. For Lack Of Personal Jurisdiction.

5. On February 15, 2019, the Defendants filed Documents No. 36-43, including (Document No. 38) Defendants' Renewed Motion to Dismiss in Favor of Arbitration.

6. On February 15, 2019, the Defendants filed Documents No. 36-43, including (Document No. 41) Defendants' Motion to Dismiss Counts II-V of Plaintiffs' First Amended Complaint for Failure to State a Claim.

7. Also, on February 15, 2019, the Defendants filed Document No. 43, Defendants' Answer and Affirmative Defenses to Plaintiffs' First Amended Class Action Complaint.

8. The deadline for Plaintiffs to file their opposition to (Document No. 36) the Renewed Motion to Dismiss Defendant Elementia S.A.B. De C.V. For Lack of Personal Jurisdiction is March 15, 2019, thus the time for Plaintiffs to respond has not expired.

9. The deadline for Plaintiffs to file their opposition to (Document No. 38) Defendants' Renewed Motion to Dismiss in Favor of Arbitration is March 15, 2019; thus, the time for Plaintiffs to respond has not expired.

10. The deadline for Plaintiffs to file their opposition to (Document No. 41) Motion to Dismiss Counts II-V of Plaintiffs' First Amended Complaint for Failure to State a Claim is March 15, 2019; thus, the time for Plaintiffs to respond has not expired.

11. Plaintiffs require additional time to properly respond to Defendants' Motion to Dismiss Defendant Elementia S.A.B. De C.V. for Lack of Personal Jurisdiction [Document No. 36], and Motion to Dismiss Counts II-V of Plaintiffs' First Amended Complaint for Failure to

State a Claim (Document No. 38), and Renewed Motion to Dismiss in Favor of Arbitration (Document No. 41).

12. Plaintiffs request they have until March 22, 2019 to file and serve their oppositions to these pending motions.

13. This is the second requested extension, and due to schedule and the complexity of the issues raised in Defendants' Motions, Plaintiffs are making this request for a one week extension.

14. Plaintiffs have conferred with Defendants' counsel who consents to this Motion for Extension of Time to file replies to Motions to Dismiss.

15. In addition, while Defendants intend to file their reply briefs within seven (7) days of the date on which the response briefs are due, Plaintiffs have agreed to an extension for Defendants to file their reply briefs so that those will be due on April 9, 2019 in the event Defendants require more time.

WHEREFORE the Parties respectfully request an extension of time for Plaintiffs to file a memorandum in opposition to Defendants' pending motions through March 22, 2019, and that Defendants' time to file a Reply be extended through April 9, 2019.

Respectfully submitted, this the 13th day of March, 2019.

/s/ Scott C. Harris
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Consent Motion was this day served by filing the document electronically via the CM/ECF system to the following counsel of record:

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This the 13th day of March, 2019.

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